

REMARKS

Status of the Claims

Claims 11-13 are pending with Claim 11 being the sole independent claim. Claims 11-13 have been amended. Support for the claim changes can be found in the original disclosure, for example in Figures 5-12 and the accompanying description, and therefore no new matter has been added.

Requested Action

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Claim Rejections

Claims 11 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0008766 (Tariki) in view of U.S. Patent Publication No. 2002/0085112 (Hiramatsu). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tariki in view of Hiramatsu and further in view of U.S. Patent No. 6,101,287 (Corum).

In response, while not conceding the propriety of the rejections, independent Claim 11 has been amended. Applicant submits that as amended, Claim 11 is allowable for the following reasons.

Independent Claim 11 relates to an imaging apparatus comprising a photoelectric conversion area including a plurality of photoelectric converters, a controller, and an image processor.

Claim 11 has been amended to recite that the controller is configured to perform a plurality of image-taking operations at a plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is not shielded by a shutter, and perform a plurality of dark capture operations at the plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is shielded by the shutter after completion of performing the plurality of image-taking operations.

Claim 11 has also been amended to recite that the image processor is configured to correct a plurality of image data which is acquired in the plurality of image-taking operations with a plurality of correction data which is acquired in the plurality of dark capture operations.

Claim 11 has been further amended to recite that the plurality of different charge accumulation times of the dark capture operations are equal to that of the image-taking operations.

In contrast, the citations to Tariki and Hiramatsu are not understood to disclose or suggest a controller configured to perform a plurality of image-taking operations at a plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is not shielded by a shutter, and perform a plurality of dark capture operations at the plurality of different charge accumulation times, respectively, in a state where the photoelectric conversion area is shielded by the shutter after completion of performing the plurality of image-taking operations, as recited by amended Claim 11. Therefore, these citations are also not understood to disclose or suggest an image processor configured to correct a plurality of image data which is acquired in the plurality of image-

taking operations with a plurality of correction data which is acquired in the plurality of dark capture operations, and that the plurality of different charge accumulation times of the dark capture operations are equal to that of the image-taking operations, as also recited by amended Claim 11.

Therefore, amended Claim 11 recites at least one feature not understood to be disclosed or suggested by the citations to Tariki and Hiramatsu. Accordingly, the Office has not yet satisfied its burden of proof to establish a prima facie case of obviousness against amended Claim 11, since MPEP § 2142 requires the cited art to disclose or suggest *all* the claimed features to establish a prima facie case of obviousness. As a result, Applicant respectfully requests that the rejection of Claim 11 be withdrawn.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicants
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
GMJ/klm

FGHS_WS 2805483v1